

ATTACHMENT A

REMARKS

Claims 1, 2, 7, 8, 11-13, 15, 17, 19-25 and 27 have been rejected under 35 USC 102(b) as being "anticipated by" a newly cited Bieback et al reference ("Bieback"). In addition, claims 3-6, 10, 14 and 18 have been rejected under 35 USC 103(a) as being unpatentable over Bieback "in view of Homer et al" ("Homer") and claims 9 and 26 have been rejected under 35 USC 103(a) as being "unpatentable over" Bieback "in view of Liu" ("Liu"). These rejections are respectfully traversed although, as discussed below, the independent claims have been amended to more clearly distinguish over the references cited.

The newly cited Bieback reference discloses a protective mask communication device for use in hazardous environments such as in firefighting and hazardous waste clean-up operations. It is respectfully submitted that the reference is of limited relevance to the present invention, although, while, for at least the reasons set forth below, applicant disagrees with this contention it is understood that it is at least possible to contend that some of the claims, as broadly worded, are arguably met by the teachings of the Bieback reference.

The portions of the Bieback reference on which the Examiner relies relate to a self-contained breathing apparatus (SCBA) mask 10 including, mounted on the mask, a communication device 23. As set forth at lines 26-33, communications device 23 includes a microphone 61 extending into mask 20, and outside the mask, a housing 30 containing a speaker 62 and an integrated electronics package 28. Electronics package 28 "includes a transducer 63 which is constructed to transmit from the mask to a portable transceiver 11 (included in a radio 8 carried on the firefighter's belt (Fig. 13), and amplifier electronics" (see lines 29-33 of column 8). As stated at lines 54-56 of column 8, the "outwardly facing surface of the speaker 62 is perforated with holes 31 (Fig. 14) to enable the speaker's voice to emanate therefrom." As discussed in the paragraph bridging columns 11 and 12, the integrated electronics package 28 of communication device 23 includes "circuitry and programming components" including a microprocessor 60.

In rejecting the claims, the Examiner reads the claimed "computer chassis" as elements 23 and 30. As indicated above, element 23 is the communications device itself while element 30 is the housing for the speaker 62 and electronics package 28. Thus, it is not seen that these elements constitute a "computer chassis" as claimed. Moreover, it is not seen that the holes 31 in the outwardly facing surface of the speaker 62 allow heat generated by the system to escape, and, in this regard, there is certainly no disclosure of this in Bieback. Similarly, the Examiner has not indicated the "separate air intake vents" which are supposed to be located on the "chassis 23, 30." Further, there are further differences between the present invention as claimed and the teachings of Bieback which are discussed in more detail below. However, in order to expedite the prosecution, a number of the independent claims have been amended to more clearly define over Bieback. Each of the independent claims is discussed below.

Turning to claim 1, claim 1 has been amended to recite a portable computer including a keyboard, and to recite that the computer chassis of the computer contains at least one heat generating component, and that the openings in the chassis from which sound from the speaker can emanate while heat generated by the at least one heat generating component to escape. It is respectfully submitted that claim 1, as amended, clearly distinguishes over Bieback. More specifically, to the extent that the microprocessor 60 of Bieback can be read as a computer, it is clearly not a computer having a keyboard. Moreover, given the nature of the electronics package 28, i.e., it is part of a small device adapted to fit on the front of a SCBA mask, it would simply not be obvious or even possible to include a keyboard in the communications device 23 mounted on the front of the protective mask. It is believed that this distinction underscores the very different nature of the present invention as compared with the protective mask communication device of Bieback. In this regard, it is noted that Bieback discloses a keyboard 208 but only in conjunction with a standalone command module 200. Thus, claim 1 distinguishes over Bieback for this important reason as well as the other reasons discussed above.

Turning to claim 11, this claim has been amended simply to clarify the recitations therein and to make it clear that the second opening facilitates airflow between the first opening and the second opening along a further path (i.e., a path different from the first

path between the internal speaker and the first opening) past a heat generating device within the chassis so as to remove heat generated by the heat generating device from within the chassis.

Regarding the rejection of this claim, the Examiner has attempted to read the language of original claim 11 on the Bieback patent, and in this regard has read the "heat generating device" as transceiver 63. Transceiver 63 is shown as a chip of electronic package 28 in Figure 16, and thus it is simply not seen how it is possible to read the language of claim 11, including the recitations of the first and second flow paths, on the Bieback construction. Thus, if the Examiner intends to pursue this particular rejection, it is respectfully requested that the Examiner point out precisely how the claim language is deemed to be met by Bieback, including an identification of the airflow paths and the first and second openings recited in the claims.

Regarding claim 15, this claim recites, inter alia, a notebook computer having a chassis and a lid. This recitation clearly defines over the microprocessor of Bieback for at least the reasons discussed above.

Turning to claim 19, this claim has been amended to recite a portable notebook computer, including a keyboard, and provides that the speaker grill is located on the surface of the portable notebook computer in a position such that the grill is disposed within an airflow exhaust path for the computer. Again, it is respectfully submitted that this recitation patentably defines over Bieback.

Regarding the claims rejected on the basis of the combination of Bieback and Homer, it is respectfully submitted that this combination is clearly the improper product of hindsight. The Homer patent relates to a portable electronic device which is of the general type with which the present invention is concerned and which, it is respectfully submitted, is completely nonanalogous art with respect to a protective mask communication device such as that taught by Bieback. There is simply no relationship between the microprocessor 60 located in the electronics package 28 of Bieback and the computer of Homer, and the teachings of the Homer patent are simply not relevant to the Bieback system. In this regard, the computer device of Homer is of substantial size with a "rigid chassis" including a reinforcement structure within the chassis. Again, these teachings of Homer have nothing to do with a microprocessor chip incorporated in

an electronics package mounted in a small communications device secured to the front of a protective mask.

With respect to the rejections made on the Liu patent, it is respectfully submitted that this rejection is also the improper product of hindsight. It would not make any sense whatsoever to attempt to locate a ventilation fan in the mask-mounted communication device of Bieback. Moreover, the Liu patent does not make up for the basic deficiencies of the Bieback patent as a reference against the independent claims.

Allowance of the application in its present form is respectfully solicited.

END REMARKS